

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WS2219.1 PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/001299	International filing date (day/month/year) 12.02.2004	Priority date (day/month/year) 19.03.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant SAURER GMBH & CO. KG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>9</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/001299

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-11 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-9 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/5-5/5 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☒ not complied with for the following reasons:

The International Searching Authority has determined that this international application contains two (groups of) inventions, namely:

1. claims 1-7, 9:

a receiving element designed as an adapter for receiving an interchangeable yarn drawing-off nozzle, said element having a special centring device;

2. claim 8:

a receiving element designed as an adapter for receiving an interchangeable yarn drawing-off nozzle, said element having a specially selected sealing element.

In consequence, the present application fails to satisfy the requirement of unity (PCT rule 13.1 and 13.2).

See Supplemental Box.

4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
 - ☐ the parts relating to claims Nos. _____

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/001299

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	5, 6, 8, 9	YES
	Claims	1-4, 7	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: DE 199 34 893 A (RIETER INGOLSTADT SPINNEREI)
25 January 2001

D2: DE 195 32 735 A (STAHLCKER HANS; STAHLCKER
FRITZ (DE)) 6 March 1997.

2. The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of independent claim 1 does not involve an inventive step (PCT Article 33(3)). The reason is the following:

2.1 Document D1 is considered to be the prior art closest to the subject matter of claim 1. Said document discloses (the references in parentheses are to D1):

a receiving element (41) for receiving an interchangeable yarn drawing-off nozzle (21), said receiving element (41) being configured as an adapter which can be screwed into a central threaded bore (40) in a fibre channel plate (4) in

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

an open-end rotor spinning device (1) which is suitable for a conventional yarn drawing-off nozzle with an external thread (in particular since there are no official standards for the diameter size of the thread (40) of "conventional" yarn drawing-out nozzles), the adapter (41) comprising a through-hole (33), the inner diameter thereof matching the outer diameter of the shaft (210) of the yarn drawing-out nozzle (21), and elastic clamping elements (45) being provided to secure the interchangeable yarn drawing-out nozzle (21).

2.2 The subject matter of claim 1 therefore differs from D1 in that the adapter comprises centring bores (27) for receiving ferromagnetic centring lugs (28) of a magnetically lockable yarn drawing-off nozzle (13) and in that permanent magnet pins (30) are provided, said pins corresponding to the ferromagnetic centring lugs (28) of the yarn drawing-off nozzle (13).

2.3 The problem addressed by the present invention can consequently be regarded as that of devising a receiving element with an improved alternative by comparison with the elastic clamping elements.

2.4 Document D2 discloses the way in which an interchangeable magnetically lockable yarn drawing-off nozzle (14) is secured in a fibre

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

channel plate (5), said fibre channel plate (5) comprising centring bores (26, 27) for receiving ferromagnetic centring lugs (24, 25) of the magnetically lockable yarn drawing-off nozzle (14), with permanent magnet pins (18, 19) that correspond to the ferromagnetic centring lugs (24, 25) of the yarn drawing-off nozzle (14).

- 2.5 A person skilled in the art who wishes to develop a receiving element (41) according to D1, using an alternative to the elastic clamping elements (45) for securing the interchangeable yarn drawing-off nozzle (21) already knows from the teaching of D2 how such a mounting can be obtained using centring bores for receiving ferromagnetic centring lugs (24, 25) of the yarn drawing-off nozzle (14) and permanent magnet pins (18, 19) that correspond to the ferromagnetic centring lugs (24, 25) of the yarn drawing-off nozzle (14). In this way, a person skilled in the art seeking to solve the problem of interest would arrive without inventive input at a receiving element as per independent claim 1 of the present application.

3. Dependent claims 2-4 and 7 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and/or inventive step since the features of the claims are already known *per se* from D1.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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4. Neither the combination of features according to claim 5 nor the combination of features according to claim 8 is known or obvious from the available prior art. Thus, the requirements of the PCT with regard to novelty and inventive step are satisfied in respect of said combinations of features.

4.1 Claim 6 is dependent on claim 5 and thus likewise satisfies the requirements of the PCT in respect of novelty and inventive step.

4.2 Disregarding the established lack of unity (see **Box IV**), the combination of features according to claim 9 is neither known nor obvious from the available prior art. In consequence, the requirements of the PCT in respect of novelty and inventive step are satisfied for this combination of features too.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box IV:

1. Reasons are set out in Box V as to why the subject matter of claims 1-4 and 7 does not involve an inventive step PCT Article 33(3)).
2. Accordingly, the following special technical feature as per claim 5 is considered to constitute a first invention (PCT Rule 13.2):
"in that the adapter (26) comprises a securing part (42) and a centring ring (41) which is rotatably mounted relative to said securing part (42)".
 - 2.1 This feature can be regarded as making the following contribution to the prior art:
the problem of achieving an optimum centring of the interchangeable yarn drawing-off nozzle is solved by means of a specially shaped centring part.
 - 2.1.1 This common inventive concept is also found in claim 6.
 - 2.2 In addition, the following special technical feature in claim 8 is considered to constitute a second invention (PCT Rule 13.2):
"in that the adapter (26) comprises an O-ring seal (44)".

Supplemental Box

2.3 This feature can be regarded as making the following contribution to the prior art:

the problem of sealing between the adapter (26) and the fibre channel plate (12) caused by the predominant negative pressure in the spinning rotor housing is solved in that a special sealing element is provided.

3. It is the opinion of the International Searching Authority that there is no technical relationship between the two inventions that involves one or more of the same or corresponding special technical features.

It is also the opinion of the International Searching Authority that the inventions are not so linked as to form a single general inventive concept ("requirement of unity of invention").

In consequence, the present application fails to meet the requirement of unity of invention (PCT Rule 13.1 and 13.2).